

# LEVI HUEBNER & ASSOCIATES, PC

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August 15, 2023

Honorable Kiyo A. Matsumoto  
United States District Court, Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11202

Re: **1567 56th Street, LLC et al v. Spitzer et al, 1:22-cv-04873-KAM-RML**

Honorable Judge Matsumoto:

We represent the Plaintiffs 1567 56TH Street, LLC, 1569 56TH Street, LLC, and Shlomo Braun.

Plaintiffs respectfully submit this status update in compliance with the Court's Order dated August 9, 2023, requiring Plaintiffs to seek an advisory opinion from the Bankruptcy Court Bankr. D. Del. *In Re: Peer Street Inc. et al*, 23-10815-LSS, whether the parties would be violating the bankruptcy stay by pursuing any part of this action.

In bankruptcy proceedings there are two ways to obtain relief from the automatic bankruptcy stay, either by motion, with a minimum return date of at least 14 days from the date of filing (with time added for mailing) along with a agreed return date scheduled with Chambers, or by stipulation with consent of the debtors subject to approval of the bankruptcy court.

Dorsey & Whitney LLP, Plaintiffs' counsel in the bankruptcy *In Re: Peer Street Inc.*, advised the undersigned that bankruptcy judges will not issue advisory opinions, and generally consider stays sacrosanct and any violations subject to severe sanctions. As such, the only way to successfully address the Court's order is by seeking relief from the automatic stay, either by motion or by stipulation.

Immediately, upon receipt of the Court's order, Plaintiffs' bankruptcy counsel reached out to the Debtors counsel *In Re: Peer Street Inc.* to obtain consent for relief from the bankruptcy stay. Plaintiffs conveyed the concern that the Debtors are continuing the foreclosure proceedings in the State Court, while keeping the Plaintiffs case chained to the automatic bankruptcy stay before this Court.

The undersigned was advised that the Debtors counsel and Plaintiff's bankruptcy counsel have reached an understanding that relief from the bankruptcy stay may possibly be resolved by stipulation. Meanwhile, the stipulation to obtain relief from the bankruptcy stay is awaiting approval of the Debtors counsel.

As such, Plaintiffs' bankruptcy counsel is attempting to resolve the issue by stipulation and if not, Plaintiffs' bankruptcy counsel intends to move promptly by notice of motion before the bankruptcy

court and is hoping to receive sufficient time to resolve the issue so that Plaintiffs are not held to be in violation of the bankruptcy stay.

Parenthetically, the undersigned was also advised that Judge Laurie Selber Silverstein, presiding over the Bankruptcy, is on vacation for this week and will only resume Court next week.

Wherefore Plaintiffs ask the Court for a one-week enlargement of time, to August 22, 2023, to update this Court with Plaintiffs progress before the Bankruptcy Court.

Respectfully submitted,

/ s / Levi Huebner

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By: Levi Huebner